

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)

Richard J. Knapp)

Examiner: NGUYEN, Tan D.

Serial No.: 10/047,717)

Confirmation No.: 3818

Filed: October 23, 2001)

Group: 3629

For: **SYSTEM AND METHOD FOR FACILITATING
SPECIFIER AND SUPPLIER COMMUNICATIONS**

Commissioner for Patents
P. O. Box 4150
Alexandria, VA 22313-1450

**DECLARATION OF RICHARD J. KNAPP
PURSUANT TO 37 C.F.R. §1.131**

Richard J. Knapp declares as follows:

1. That I am the sole inventor of the above-identified patent application that was filed in the U.S. Patent and Trademark Office ("PTO") on October 23, 2001, directed to a "System And Method For Facilitating Specifier And Supplier Communications," such application being identified as Serial No. 10/047,717 (the "Application").
2. That concurrently herewith a Response to Office Action is being filed with the PTO. This Declaration has been prepared for consideration with such Response to Office Action.
3. That as the sole inventor of the Application, I am thoroughly familiar with the invention giving rise to the Application, the content of the Application, and the circumstances surrounding preparation of the Application for filing with the PTO.
4. That claims 1 to 24, inclusive, of the Application currently stand rejected by the PTO examiner in an Office Action dated February 27, 2007. The two reference relied upon in the Office Action are U.S. Patent Publication No. 2002/0169513 to Sherrill et al. (the "Sherrill '513 Publication") and U.S. Patent No. 7,034,960 to Stone et al. (the "Stone '960 Patent").

5. That I conceived the invention comprising the subject matter of claims 1 to 24 of the Application (both as originally filed and as currently amended) prior to May 10, 2001 (the earliest possible effective date of the Sherrill '513 Publication), and prior to August 16, 2001 (the effective date of the Stone '960 Patent). Moreover, I exercised due diligence from a date prior to the earliest possible effective date of the Sherrill '513 Publication (i.e., May 10, 2001) and the Stone '960 Patent (i.e., August 16, 2001) to commercialization of the disclosed and claimed subject matter of the Application by the assignee of the Application, GretagMacbeth, LLC, at least as early as April 23, 2001, and to filing of the Application with the PTO on October 23, 2001.
6. That a copy of an invention disclosure (4 pages) is attached to this Declaration as Exhibit A. The invention disclosure reflects inventive work that I had engaged in over a period of time up to the date of such invention disclosure. The copy of the invention disclosure appended hereto was obtained from the files of my patent attorney and includes his annotations on the schematics. The annotated schematics were used as informal drawings when the Application was filed with the PTO (original Figures 2 and 3).
7. That the invention disclosure is dated on the first page thereof, and such date has been redacted for purposes of this submission. However, the date appearing on the unredacted version of this invention disclosure precedes the earliest possible effective date of both the Sherrill '513 Publication (i.e., May 10, 2001) and the Stone '960 Patent (i.e., August 16, 2001).
8. That the invention disclosure attached hereto as Exhibit A discloses and describes a system and method for communicating and managing the transfer of color information. The disclosed system/method implements a client-server architecture that allows color palettes to be authored, communicated, managed and displayed (simulated) throughout a specifier-supplier chain. As set forth in the "abstract":

The *specifier* client would allow the user to construct palettes (*e-palettes* - electronic palettes), define the supplier chain, post palettes to the server, and quality control responses from suppliers. The *supplier* client would query the server for new entries,

download palettes, manage responses to the specifier, and allow recipes to be formulated or batches to be checked for quality control prior to submittal.

Thus, the invention disclosure attached hereto as Exhibit A establish that I had conceived of my claimed invention prior to the earliest possible effective date of the Sherrill '513 Publication (i.e., May 10, 2001) and the Stone '960 Patent (i.e., August 16, 2001)

9. That the assignee of the Application, GretagMacbeth, LLC, announced the availability of a commercial implementation of my claimed invention on April 23, 2001, as demonstrated by the press release dated April 23, 2001 which is attached hereto as Exhibit B. As set forth in the press release, the NetPalette™ system represented the “industry’s first internet-based color communication system that will synchronize the color approval process throughout the supply chain.” As further stated in the press release:

Instantaneous exchange of color palettes over the Internet, utilizing NetPalette, enables dye houses to quickly match original design specifications, electronically submit lab dips, receive color approvals via Internet notification and obtain production approval.

* * * * *

Using any PC compatible computer, running Windows® 98 or later, color specifiers can easily communicate with their worldwide suppliers. NetPalette allows color specifiers to save an address book of suppliers, a large database of colors, substrates and collections, as well as a history of lab dip submissions, color approvals and comments for each of its supply chain partners.

10. That, as set forth in the press release appended hereto as Exhibit B, a fully functioning NetPalette™ implementation of my invention was demonstrated at the ATME-I (American Textile Machinery Exhibition International) exhibition between April 23 and April 27, 2001. That such demonstration predated the earliest possible

effective date of the Sherrill '513 Publication (i.e., May 10, 2001) and the Stone '960 Patent (i.e., August 16, 2001), thereby establishing a reduction to practice of my invention prior to the earliest effective dates of the Sherrill '513 Publication and the Stone '960 Patent.

11. That the NetPalette™ system referenced in the press release and demonstrated at the ATME-I exhibition in April, 2001, generated various screen views as users navigated the functionalities thereof, including specifically the screen shots incorporated into the Application as Figs. 4-17.
12. That the facts set forth herein and the Exhibits hereto demonstrate that the invention set forth in the patent claims of the Application, both as originally filed and as amended, had been conceived prior to the earliest possible effective date of the Sherrill '513 Publication (i.e., May 10, 2001) and the Stone '960 Patent (i.e., August 16, 2001), that due diligence was exercised by me from that date until commercialization of the subject matter of my invention in April, 2001, and the Application's filing date of October 23, 2001, and that the subject invention was reduced to practice at least as early as April 23-27, 2001, when a fully functioning NetPalette™ system implementation was demonstrated at the ATME-I exhibition.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 5/29/2007

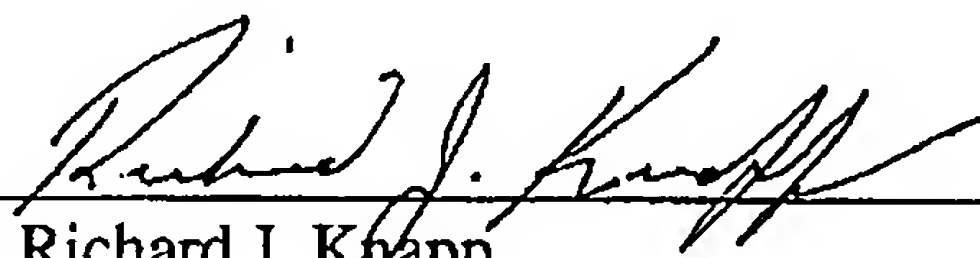

Richard J. Khapp

Exhibit A

Method for the Communication and Management of Color

United States Patent

Inventor: Richard Knapp, New Paltz, NY

Assignee: GretagMacbeth LLC, New Windsor, NY

Abstract:

A method for communicating and managing the transfer of color information, and associated tolerancing specifications, to a distributed network of users. The method implements a client-server architecture designed to allow color palettes to be authored, communicated, managed, and displayed (simulated) throughout a specifier-supplier chain. The server component provides services to manage the bi-directional communication of color information between client applications. The client component would operate in either of two modes: specifier or supplier. The *specifier* client would allow the user to construct palettes (*e-palettes* - electronic palettes), define the supplier chain, post palettes to the server, and quality control responses from suppliers. The *supplier* client would query the server for new entries, download palettes, manage responses to the specifier, and allow recipes to be formulated or batches to be checked for quality control prior to submittal.

System Architecture:

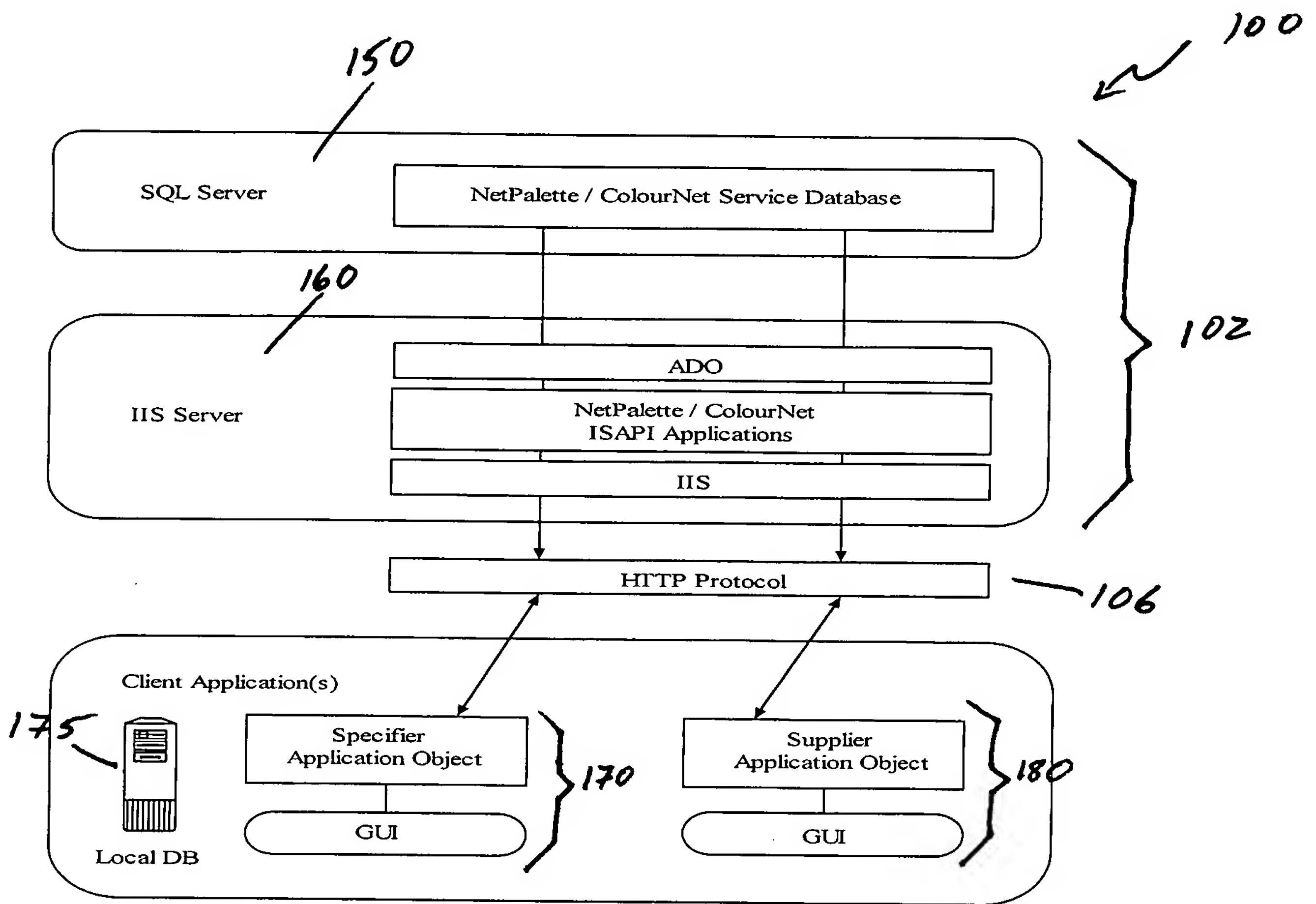
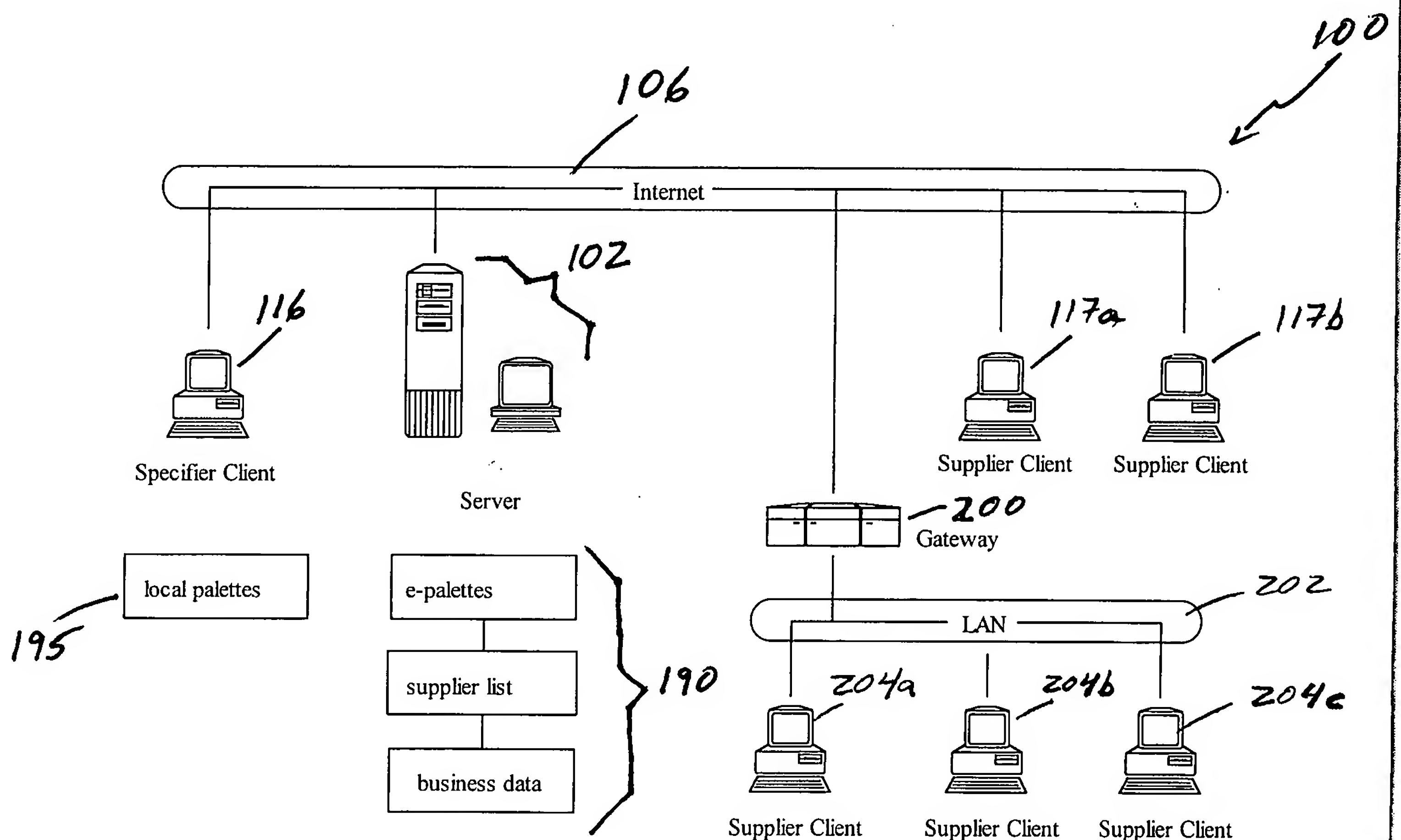


FIG. 2

SQL - Structured Query Language
 IIS - Internet Information Server
 ISAPI - Internet Server Application Program Interface
 ADO - Active X Data Objects
 HTTP - Hypertext Transfer Protocol

System Topography:

FIG. 3**Description:**

The present invention is directed to color management, more particularly, to a method for establishing color consistency across a distributed network of facilities. Color measuring instruments and software are widely employed to determine whether the color of various objects being produced meet the specifications for the desired color of that product. Sometimes different manufacturers, or different locations within the same manufacturer, may be producing items that are intended to have the same color within specified tolerances. This process is currently managed by the transfer of physical standards (often through many iterations). One novelty of the present invention is that it serves to automate and digitize what is essentially a very labor intensive and protracted process.

When discussing the distributed control of color it is important to consider the error budget generally associated with these types of processes. One component of the error budget is the color difference attributable to variations in instrumental color measurement. A method to eliminate these differences is described in the patent: "*Method for Maintaining Uniformity Among Color Measurement Instruments*" (Van Aken et al). Another component of the error budget is the accurate transfer of color standards and their associated approval conditions (color tolerances), particularly among a remote and distinct group of color users. Accordingly, another object of the

present invention is to provide a novel method for the transfer, synchronization, and management of color standards (and their associated tolerances) for the purpose of making decisions with regards to both color accuracy and consistency.

The specifier client implements methods that allow e-palettes to be defined and constructed. An e-palette consists of sets of spectral data (reflectance, transmission, over light/over dark, reflectance/transmission, etc.), associated identifying information, illuminant data, colorimetric attributes, the conditions under which color submissions (to the e-palette) will be evaluated, and, optionally, an associated image or texture map. All of the information required to provide a unique visual identity is associated within the e-palette. Additionally, the specifier client defines the list of suppliers and allows these suppliers to be associated to an e-palette. Once constructed, e-palettes are then posted to a central database residing upon a server.

Server services will receive and store e-palettes. Other server services will process the list of suppliers, associated with an e-palette, and automatically notify the supplier client of the availability of a new palette entry.

The supplier client, upon notification from the server, will automatically download the e-palettes specifically directed to that supplier. The supplier can then use the shades (color measurements) contained within the e-palette as part of their manufacturing process. The specifier's approval criteria are also now available for the supplier. Once the manufacturing process has been completed, submissions (again, color measurements and comments) can be entered into the supplier client, quality controlled (using the specifier's approval criteria), and posted to the server.

Additional server services receive the incoming submissions, which are identified as coming from a particular supplier, and automatically associates them to the proper shade within the active e-palette. The supplier client is then notified that e-palette submissions have been received and logged within the system.

The specifier client can now access these e-palette submissions for the purpose of quality control. Since submissions are tracked by revision code, a bi-directional exchange of color data and comments (potentially in real time) can begin between the specifier and supplier. This iterative process eliminates the need for sending expensive physical standards and reduces the time associated with the color approval process. The above-described invention allows physical standards to be replaced by digital (or virtual) standards.

Exhibit B



**GretagMacbeth Introduces NetPalette™,
First Internet-based Supply Chain Tool**

2001-04-23

GretagMacbeth Introduces NetPalette™, The First Internet-based Supply Chain Tool for Color Communication

Real-time Color Management Tool for the Textile Industry Aims to Synchronize the Color Supply Chain

Greenville, SC, April 23, 2001 – GretagMacbeth, worldwide internet technology leader in color measurement and management solutions, today introduced the industry's first internet-based color communication system that will synchronize the color approval process throughout the supply chain. Previously a costly and tedious process for many industries, NetPalette decreases operational costs and reduces cycle time through a streamlined, paperless color approval process.

Apparel designers and textile professionals are increasing the number, frequency and complexity of their creative endeavors, thus requiring a tool that can satisfy their need for an efficient color approval process. Instantaneous exchange of color palettes over the Internet, utilizing NetPalette, enables dye houses to quickly match original design specifications, electronically submit lab dips, receive color approvals via Internet notification and obtain production approval.

NetPalette integrates an intuitive browser-based user interface and a database to manage color throughout the supply chain. Using any PC compatible computer, running Windows® 98 or later, color specifiers can easily communicate with their worldwide suppliers. NetPalette allows color specifiers to save an address book of suppliers, a large database of colors, substrates and collections, as well as a history of lab dip submissions, color approvals and comments for each of its supply chain partners.

NetPalette provides seamless integration with existing business processes and IT systems. Colors can be created through imported data or through a spectrophotometric measurement. NetPalette accepts measurements from the full line of GretagMacbeth spectrophotometers as well as the most popular competitive instruments used in the industry today. Open systems architecture permits NetPalette data to be exchanged with existing color control and data management systems using XML or .mdb file formats. Written in Enterprise Java Beans code, NetPalette is a secure option for Internet communication. NetPalette is a subscription-based application available for an annual per-seat license fee.

"The color approval process has long been a time-sensitive issue for the textile industry. NetPalette not only allows immediate communication of color palettes, but also includes a database for that information so it may be used for analysis at a later date," said Jim Davis, Vice President and General Manager of GretagMacbeth. "We believe a powerful supply chain tool such as NetPalette can streamline the entire color approval process while strengthening the specifier-supplier relationship through increased efficiency."

GretagMacbeth will be demonstrating NetPalette in booth # A238 at ATME-I April 23 through April 27.

About GretagMacbeth

GretagMacbeth provides a comprehensive, integrated single-source solution for selecting, matching, measuring, formulating, managing, evaluating and communicating color in industries ranging from paints, plastics, textiles, inks and packaging to digital imaging, graphic arts, desktop publishing and printing. Our full line of color control and management tools

include spectrophotometers, densitometers, color quality control and color formulation software, profiling software, standardized lighting, color standards, white reflectance coating, training, calibration and certification services.

GretagMacbeth, headquartered in Regensdorf, Switzerland, maintains offices in the United States, United Kingdom, Germany, Italy, France, Hong Kong SAR, Thailand and the Philippines. GretagMacbeth trains and supports customers worldwide and is an ISO-9001 certified company.

For additional information in the United States and Canada, please call 845-565-7660, or visit the GretagMacbeth web site at www.gretagmacbeth.com.

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